

IN THE SENATE OF THE UNITED STATES.

May 14, 1858.—Ordered to be printed.

Mr. IVERSON made the following

REPORT.

[To accompany Bill S. 340.]

*The Committee on Claims, to whom was referred the petition of Ann L. Rogers, report:*

Mr. John A. Rogers, the husband of the petitioner, was appointed, in August, 1841, to examine the land offices in the States of Mississippi and Alabama, for which service he was to be allowed a compensation of eight dollars per day while engaged in the examination, and six dollars for every twenty miles' travel. In the settlement of his accounts, after the completion of the service, his charges of *per diem* for seventy-one Sundays, at \$8 per day, \$568, and eight days examining records at Mobile, \$64, amounting in all to \$632, were, amongst other items, disallowed at the treasury. Also, his mileage for 2,163 miles, which was disallowed on the ground that the nearest routes were not pursued, or that the travel was performed between some points more than once. This item amounts to \$648 90.

Your committee consider that he ought to have been allowed pay for Sundays, whilst he was in the service of the government. He was to receive a stipulated sum *per diem* whilst engaged in the work. There was no exemption or exception as to Sundays. His expenses were as great on Sundays as on any other days. It is very probable that he travelled as well on Sundays as on other days. They made up a portion of the time that he was away from home and in a distant country, amongst strangers. It is reasonable and just that he should be paid for them. In the *per diem* allowances made under similar circumstances, Sundays have not been excluded—as in the former pay of members of Congress, who always drew pay for Sundays as well as other days, and such has been the general practice of government.

The charge for examining certain records at Mobile, ought to have been allowed, as this service was performed by Colonel Rogers, and came within the spirit of his instructions, and proved beneficial to the government.

In relation to the mileage, it appears that a longer distance was

travelled over by him than the nearest routes between the offices which he visited, but this was doubtless rendered necessary from the causes and circumstances stated by Colonel Rogers. At the time he was engaged in the service, the country was comparatively new, the facility for travelling bad, and at that season of the year, during the rainy season, the water-courses were generally swollen and impassable. This is often, and, indeed, generally the case, in the winter in that country ; so much so, that travellers are frequently detained days, and in some cases weeks, by these unavoidable causes. Your committee can very well understand and believe that the routes taken by Colonel Rogers were necessary and proper, and that if he had waited for the subsiding of the streams and charged, as he would have been entitled to, for the time of detention, it would have cost more to the government than the mileage charged. The chairman of the committee has much knowledge of much of the country travelled over by Colonel Rogers, and has had some very similar experience as that alleged by him in passing from point to point across the country. Under the circumstances, the committee have no doubt that Colonel Rogers acted for the best, and that he could not avoid the necessity of passing over longer routes, in the faithful discharge of his duty, than the nearest distances between the consecutive points of his visitations. They, therefore, think that this item ought to be allowed, and with the other sums above stated, make the aggregate of \$1,280 90, for which a bill is reported. The claim of Colonel Rogers has been regularly assigned to his wife, now understood to be his widow, and the committee therefore report the bill in her favor.